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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,438

12/10/2003

Hayato Kikuchi

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5147

4372

7590

04/20/2006

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EXAMINER

ALSOMIRI, ISAM A

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/731,438	Applicant(s) KIKUCHI, HAYATO	
	Examiner Isam Alsomiri	Art Unit 3662	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi US005731779A in view of Arita et al. US006122040A.** Kikuchi discloses in figures 1-9 a moving body transmitter and receiver axis adjusting system, comprising: a transmitter and receiver 11 mounted on a moving body, the transmitter and receiver transmitting a detection signal in a predetermined scanning area and receiving, as a reflected signal, the detection signal reflected from an object 2; a reference reflecting body 2 placed in a predetermined position relative to the moving body, the reference reflecting body reflecting the detection signal; automatic adjusting means for setting a detection area included in the scanning area and narrower than the scanning area, the automatic adjusting means capable of adjusting the detection area within the scanning area, wherein the reference reflecting body is positioned on an object detection axis of the detection area (see Abstract, figures 1-9). Kikuchi is silent about having an informing means for informing of a deviation between the object detection axis and the reference reflecting body that exceeds an area adjustable by the automatic adjusting means. Arita teaches a similar system for adjusting an axis of a range finder including the claimed informing means (see col. 16 lines 35-60). It would

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have been obvious to modify Kikuchi's system to include the informing means so the operator would not assume that the auto adjustment is working.

**Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi US005731779A in view of Arita et al. US006122040A as applied to claims 1 and 3 above, and further in view of Kikuchi US006119067A.** The combination of Kikuchi '779 and Arita is silent about the transmitter and receiver being mounted on the moving body via manual adjusting means to adjust a deviation between the reference reflecting body and the object detection axis that exceeds the area adjustable by the automatic adjusting means. Kikuchi '067 teaches the claimed manual adjusting means. It would have been obvious to modify Kikuchi '779 in view of Arita and Kikuchi '067 to include the manual adjusting means to correct the problem when the auto system does not work.

### ***Response to Arguments***

Applicant's arguments filed February 1<sup>st</sup> 2006 have been fully considered but they are not persuasive. Regarding claims 1-4, applicant argues that "Kikuchi '779 does not teach or suggest informing of the extent to which a deviation between the object detection axis and reference reflecting body exceeds an adjustable area, or to which a portion of the detection area extends outside the scanning area if such a case arises as a result of the auto aiming" and "Arita fails to teach or suggest informing of the extent to which a deviation between the object detection axis and reference reflecting body

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exceeds an adjustable area, or to which a portion of the detection area extends outside the scanning area if such a case arises as a result of the auto aiming". In response, is it no clear what is not being taught by the combination and Kikuchi and Arita from applicant's arguments. The applicant admits on page 7 of the remarks "Applicant respectfully notes Arita teaches determining adjustment is possible when the detection area is within a detection allowable area, the detection area being changed to a proper position by changing inside parameters. If it is determined that the axis deviation cannot be adjusted by the detection area being not located within the detection allowable area, a driver or worker is informed of such a development and the control of making a vehicle chase a preceding vehicle is forcibly stopped and rendered inoperable". This admittance by it self reads on the broad claim language "informing means for informing of a deviation between the object detection axis and the reference reflecting body that exceeds an area adjustable by the automatic adjusting means" (claim 1) or "informing means for informing of the extent to which the detection area is outside the scanning area as a result of the adjustment by the automatic adjusting means". The terms "deviation" or "extent" can be read broadly as a "0" or "1" values, meaning "adjustable" or "not adjustable". Therefore, the rejections are maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isam Alsomiri



April 16, 2006



THOMAS H. TARCZA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600